

#4



Attorney's Docket No. BELA 4280.1

DECLARATION AND POWER OF ATTORNEY

**REGULAR OR DESIGN APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD OF GRAPHICALLY INDICATING PATIENT INFORMATION

the specification of which:

(check one)

☐ is attached hereto

☒ was filed on May 30, 2001 as Application Serial No. 09/870,373, and was amended on \_\_\_\_\_.

☐ was described and claimed in PCT International Application No. \_\_\_\_\_, filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_, if any.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

**RECEIVED**

OCT 1 0.2001

**OFFICE OF PETITIONS**

**PRIORITY CLAIM**

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a) - (d) or §365(b) of any foreign application for patent or inventor's certificate, or §365(a) of any PCT application which designates at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Priority Claimed

(Number)                      (Country)                      (Day/Month/Year Filed)

(Number)                      (Country)                      (Day/Month/Year Filed)

(Number)                      (Country)                      (Day/Month/Year Filed)

Priority Not Claimed

**ANY FOREIGN APPLICATION(S), ON THE SAME SUBJECT MATTER WHICH HAS  
A FILING DATE EARLIER THAN THE EARLIEST APPLICATION FROM WHICH  
PRIORITY IS CLAIMED**

(Number)                      (Country)                      (Day/Month/Year Filed)

**CLAIM FOR BENEFIT OF PROVISIONAL APPLICATION(S)**

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

60/208,334

(Application Number)

05/31/2000

(Filing Date)

(Application Number)

(Filing Date)

**CLAIM FOR BENEFIT OF EARLIER U.S. APPLICATION(S)  
UNDER 35 U.S.C. 120**

(complete this part only if this is a divisional,  
continuation or CIP application)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Serial No.)	(Filing Date)	(Status)
--------------	---------------	----------

(Serial No.)	(Filing Date)	(Status)
--------------	---------------	----------

**POWER OF ATTORNEY**

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Irving Powers (15,700), Donald G. Leavitt (17,626), John K. Roedel, Jr. (25,914), Michael E. Godar (28,416), Edward J. Hejlek (31,525), William E. Lahey (26,757), Richard G. Heywood (18,224), Frank R. Agovino (27,416), Kurt F. James (33,716), G. Harley Blosser (33,650), Paul I. J. Fleischut (35,513), Vincent M. Keil (36,838), Robert M. Evans, Jr. (36,794), Robert M. Bain (36,736), Kathleen M. Petrillo (35,076), David E. Crawford, Jr. (38,118), Paul A. Maddock (37,877), Richard L. Bridge (40,529), Christopher M. Goff (41,785), James E. Butler (40,931), Derick E. Allen (43,468), Matthew L. Cutler (43,574), Michael G. Munsell (43,820), Karen Y. Hui (44,785), Anthony R. Kinney (44,834), Brian P. Klein (44,837), Sarah J. Chickos (46,157), Donald W. Tuegel (45,424), Steven M. Ritchey (46,321), Michael J. Thomas (39,857), Kathryn J. Doty (40,593), Laura R. Polcyn (47,000), James J. Barta, Jr. (47,409), John M. Bodenhause (47,432), James E. Davis (47,516), and Richard A. Schuth (47,929), all of the law firm of SENNIGER, POWERS, LEAVITT & ROEDEL, One Metropolitan Square, 16th Floor, St. Louis, Missouri 63102.

**RECEIVED**

OCT 1 0 2001

OFFICE OF PETITIONS

Send Correspondence To:

Direct Telephone Calls To:

Customer Number: 000321

James J. Barta, Jr.  
(314) 231-5400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor LaVonne Cule

Inventor's signature LaVonne Cule Date 8/9/01

Residence St. Clair, Missouri Citizenship US

Post Office address 1279 Roller Road, St. Clair, Missouri 63077

RECEIVED

OCT 1 0 2001

OFFICE OF PETITIONS

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

- - - - -

Full name of second joint inventor Beth Frankenberg

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Union, Missouri Citizenship US

Post Office address Lot 36, Riverview Trailer Court  
Union, Missouri 63084

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

- - - - -

Full name of third joint inventor Grady Smith

Inventor's signature *Grady Smith* Date 8/9/01

Residence St. Clair, Missouri Citizenship US

Post Office address 1279 Roller Road, St. Clair, Missouri 63077

RECEIVED

OCT 1 0 2001

OFFICE OF PETITIONS



#5

BELA 4280.1  
PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of LaVonne Cule, Beth Frankenberg, and  
Grady Smith  
For: METHOD OF GRAPHICALLY INDICATING PATIENT INFORMATION

Confirmation No.: 7437  
Serial No.: 09/870,373  
Filed: May 30, 2001

DECLARATION OF FACTS IN SUPPORT OF FILING ON BEHALF OF  
NON-SIGNING INVENTOR (37 CFR 1.47)

This declaration is made as to the exact facts which  
are relied upon to establish the diligent effort made to  
secure the execution of the declaration by the non-signing  
inventor Beth Frankenberg for the above identified patent  
application before deposit thereof in the Patent and  
Trademark Office.

This declaration is being made by the available person  
having first-hand knowledge of the facts recited therein.

## IDENTIFICATION OF PERSON MAKING THIS DECLARATION OF FACTS

Name of declarant

James J. Barta, Jr.

Address of declarant

Senniger, Powers, Leavitt & RoedelOne Metropolitan Square - 16th FloorSt. Louis, Missouri 63102

RECEIVED

OCT 1 0 2001

OFFICE OF PETITIONS

**LAST KNOWN ADDRESS OF THE OMITTED INVENTOR**

Full name of omitted inventor

Beth Frankenberg

Last known address

P.O. Box 105

Union, Missouri 63084

Last known telephone number

636-584-0891

Additional contact address

Lot 36, Riverview Trailer Court

Union, Missouri 63084

**DETAILS OF REFUSAL OF OMITTED INVENTOR TO  
SIGN APPLICATION PAPERS**

I am an associate with the firm of Senniger, Powers, Leavitt & Roedel and represent the Assignee, BELA, Inc. On behalf of BELA, Inc., our firm prepared and filed the above-identified application, including the specification, claims, drawings and declaration.

The present application is based on provisional application 60/208,334 filed May 31, 2000 on behalf of BELA, Inc. The provisional application identifies LaVonne Cule and Beth Frankenberg as inventors.

On May, 4, 2000, Ms. Frankenberg signed an assignment of the invention to BELA, Inc. in connection with the provisional application. The assignment includes "any other



United States applications (including provisional, non-provisional, divisional, continuing, or reissue applications) based in whole or in part on said United States application or in whole or in part on said invention...." Attached hereto is a copy of the May 4, 2000 assignment.

On May 22, 2001, I sent a letter to Ms. Frankenberg to her additional contact address (noted above) by Federal Express, standard overnight, Tracking No. 3706773851. I enclosed with the letter a Declaration and Power of Attorney and an Assignment along with a copy of the prepared non-provisional application for Ms. Frankenberg's review and signature. Ms. Frankenberg personally signed for the Federal Express package on May 24, 2001 at 9:32 a.m. when the package was delivered to her home. Therefore, I made a bona fide attempt to present the application papers to Ms. Frankenberg and as evidenced by Ms. Frankenberg's signature, I believe that my bona fide attempt was successful. Attached hereto is a copy of the May 22, 2001 letter to Ms. Frankenberg along with a copy of the proof of delivery receipt.

On May 24, 2001, I telephoned Ms. Frankenberg at her then place of employment, Sunset Health Care Center (636-583-2252), regarding the May 22, 2001 letter, the application, Declaration and Power of Attorney, and Assignment that she had received. Ms. Frankenberg informed me that she would contact me at a later time had she any questions concerning the letter and enclosures. Further, Ms. Frankenberg provided me with the last known address (noted above) and indicated that the last known address was the preferred and most reliable means of contacting her.

On May 24, 2001, I sent copies of the letter and enclosures sent via Federal Express on May 22, 2001 as described above to Ms. Frankenberg at the last known address (noted above) by United States Postal Service Express Mail, number EL739382636US. Based on my past experience with Express Mail and familiarity with their normal business practices, I believe Ms. Frankenberg received the letter and enclosures sent via Express Mail on May 25, 2001. Therefore, I made a bona fide attempt to present the applications papers to Ms. Frankenberg and I believe that my bona fide attempt was successful. Attached hereto is a copy of the proof of mailing receipt.

\*

As instructed by co-inventor LaVonne Cule, co-owner of the Assignee BELA, Inc., I filed the above-identified non-provisional application on May 30, 2001.

On July 10, 2001, I sent copies of the May 22, 2001 letter and enclosures described above to Ms. Frankenberg at the additional contact address (noted above) by United States First Class Mail. Based on my past experience with the United States Postal Service and familiarity with their normal business practices, I believe Ms. Frankenberg received the letter and enclosures sent via First Class Mail on or about July 12, 2001. Therefore, I made a bona fide attempt to present the applications papers to Ms. Frankenberg and I believe that my bona fide attempt was successful.

On July 26, 2001, I telephoned Ms. Frankenberg at the last known telephone number (noted above) regarding the May 22, 2001 letter, the application, Declaration and Power of Attorney, and Assignment that she had received. I left a message on Ms. Frankenberg's answering machine indicating the

purpose of the telephone call as described above and requesting her to return the call.

Ms. Frankenberg has not responded to my repeated requests. Based on her failure to respond, I have concluded that Ms. Frankenberg refuses to sign the application papers.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that theses statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: October 2, 2001

James J. Barta, Jr.  
James J. Barta, Jr., Reg. No. 47,409  
Senniger, Powers, Leavitt & Roedel  
One Metropolitan Square  
16th Floor  
St. Louis, Missouri 63102  
(314) 231-5400

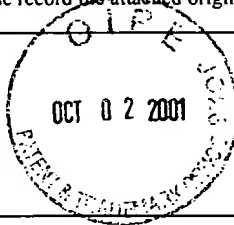
Attorney for BELA, Inc.

\*Attachments

RECEIVED  
OCT 1 0 2001  
OFFICE OF PETITIONS

# RECORDATION FORM COVER SHEET PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy thereof.



# COPY

1. Name of conveying party(ies) (assignor(s)):

LaVonne Cule  
Beth Frankenberg  
Grady Smith

Additional name(s) of conveying party(ies) attached? ☐ yes ☒ no

2. Name and Address of Party(ies) receiving an interest (assignee(s)):

Name: BELA, Inc.  
Address: 1279 Roller Road

City: St. Clair  
State: Missouri Zip: 63077  
Country: U.S.A.

Additional name(s) & address(es) attached? ☐ yes ☒ no

3. Nature of Conveyance:

- ☒ Assignment ☐ Merger ☐ Change of Name  
☐ Verified Translation ☐ Security Agreement ☐ Other \_\_\_\_\_

Execution Date: August 9, 2001

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date(s) of the application is: \_\_\_\_\_

A. Patent Application No(s).

09/870,373

B. Patent No(s).

Others on additional sheet(s) attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

James J. Barta, Jr.  
Senniger, Powers, Leavitt & Roedel  
One Metropolitan Square  
16th Floor  
St. Louis, Missouri 63102  
(314) 231-5400 (telephone)

6. Total number of applications and patents involved:

Application(s) 1 + Patent(s): 0 = Total 1

7. Total Fee (37 CFR 3.41) ..... \$ 40.00

- ☒ Enclosed  
☐ Authorized to be charged to deposit account

8. Deposit Account Number: 19-1345

(Duplicate copy of this sheet attached)

- ☒ Charge any underpayment or credit any overpayment to above Deposit Account

DO NOT USE THIS SPACE

9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

James J. Barta, Jr.  
Name of Person Signing

James J. Barta, Jr.  
Signature

October 2, 2001  
Date

Total number of pages including cover sheet, attachments, and document: \_\_\_\_\_

10/05/2001 SLUANG1 00000037 09870373

02 FC:581

40.00 OP

6

RECEIVED

OCT 10 2001

OFFICE OF PETITIONS